

| Response to Rule 312 Communication | Application No. | Applicant(s) |
|------------------------------------|-----------------|-----------------|
| | 09/502,285 | GOLDBERG ET AL. |
| | Examiner | Art Unit |
| | ROBERT MOSSER | 3714 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on May 8th, 2008 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.

Regarding Amendments to the specification paragraph of page 63 line 4 the applicant fails to set forth antecedent basis for the proposed amended claim language of this paragraph according the entry of this amendment is denied until such time as the issues surrounding potential new matter have been addressed.

Entry of the specification amendments to paragraphs of page 60 and 69 is approved for not raising additional issues

Entry of claim amendments to claims 360-361, 368, 370-372, 376-377, 389, 390, 392-393, 396, 399-400, 403, 407, 412, 415, 416-420, 423-425, 428, 430, 432-434, and 436-437 are approved for not raising additional issues
Cancellation of claim 429 is approved for not raising additional issues.

Regarding the proposed claim amendments, including the presentation of additional claims 439-474 and significant amendments to the previously presented claims 362, 381, 382, 391, 397, 401, and 422. These amendments would require greater consideration with regards to issues of altered claim scope and potential new matter and are inappropriate for entry at this time

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714